IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 11810 of 2004

Between:

T. Devendar Reddy, S/o. Late Sri T. Gopal Reddy,
R/o.H.No.8-2-269/27/B, Sagar Society,

Road No.2, Banjara Hills, Hyderabad.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Shaikpet Mandal,

Hyderabad.
2 The District Collector, Hyderabad.
3 The Municipal Corporation of Hyderabad.

Rep. by its Commissioner.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order, direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent authorities in trying to interfere with the possession of the Petitioner over the premises bearing No.8-2-120/77/4B in Plot No.4B, situated at Road No.2, Banjara Hills, Hyderabad as arbitrary, illegal and violative of the Articles 14,21 and 300A of the Constitution of India and consequently direct the respondent authorities not to interfere with the possession and enjoyment of the Petitioner.

Counsel for the Petitioner: MR.D.RAMESH

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE

Counsel for the Respondent No.3: Mrs. G. Jyothi Kiran

The Court made the following:

ORDER:

Though the interlocutory applications are listed before this Court, having regard to the fact that the submissions made for the interlocutory applications as well as the main writ petition are the same, with the consent of the learned Counsel, the writ petition is being disposed of at the interlocutory stage.

The petitioner purchased a house plot bearing No.8-2-120/77/4B admeasuring 450 Sq. yards situated at Road No.2, Banjara Hills, Hyderabad from Smt. Y. Susheela Kumari. The petitioner alleged that the first respondent tried to interfere with the possession of the property, and therefore, he filed the present writ petition, seeking a direction to the respondents not to interfere with the possession. This Court while admitting the writ petition on 09.07.2004 passed interim orders directing the respondents not to interfere with the possession of the property bearing No. 8-2-120/77/4B situated at Road No.2, Banjara Hills.

In the counter affidavit filed by the Mandal Revenue Officer, Shaikpet Mandal, it is stated that the Government filed L.G.C. No.187 of 1999 on the file of the Special Court under A.P. Land Grabbing (Prohibition) Act, 1982 (the Act, for brevity), that the same was dismissed, that aggrieved by the same the Government filed writ petition being W.P. No.2920 of 2004, that this Court while admitting the writ petition passed orders of *status quo* in W.P.M.P. No.3846 and 3847 of 2004 dated 24.3.2004 and that when the petitioner was making construction, the Mandal Revenue Officer brought to the notice of the petitioner not to make any further construction. The learned Counsel for the petitioner does not dispute the various averments made in the counter affidavit. He, however, submits that having regard to the undertaking given by his vendor to the Special Court, the petitioner is not making any construction but is making only certain internal modifications and the same does not amount to violation of undertaking. He also submits that even if the petitioner undertakes construction, as per the undertaking given by his vendor, the same is liable to be handed over possession to Revenue authorities and that merely because there is an order of *status quo,* the Mandal Revenue Officer cannot interfere with the possession of the property.

I have perused a copy of the order dated 19.11.2001 in I.A. No.814 of 2001 in L.G.C. No.187 of 1999 wherein the petitioner's vendor gave an undertaking to the effect that in the event of the Government succeeding in the L.G.C., without claiming any equities, she would hand over possession of the property. In view of the undertaking and also the orders of *status quo* passed by this Court in W.P.M.P. Nos.3846 and

3847 of 2004 dated 24.3.2004, it is not permissible for the petitioner to make any further construction. While passing orders in I.A. No.814 of 2001, the Special Court permitted the petitioner to complete construction to make it habitable and it cannot be believed that the petitioner continues to make construction even after lapse of about three years. However, merely because there is an order of *status quo,* the Mandal Revenue Officer cannot interfere with the possession of the property unless and until the Mandal Revenue Officer obtains appropriate orders from this Court. Therefore, there shall be *status quo* as on today till the disposal of W.P. No.2920 of 2004. The petitioner shall not undertake any further construction in the land.

The writ petition, with the above observations and directions, is disposed of.

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September 10, 2004. (**V.V.S. RAO, J**)

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SPECIAL OFFICER

// TRUE COPY //

To

1 The Mandal Revenue Officer, Shaikpet Mandal, Hyderabad.
2 The District Collector, Hyderabad.
3 The Commissioner, Municipal Corporation of Hyderabad.

4 Two CCs to the Government Pleader for Revenue,

High Court of Andhra Pradesh, Hyderabad (O.U.T)

5 Two C.D. Copies.